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out the true rule, if there is one. When a plaintiff comes into court and shows that he has suffered such damage as the law will recognize, and that the defendant's conduct has failed to come up to the standard required by law, the point in issue is simply, Did the defendant do this? It is certainly possible to contend that the average juror might better be trusted to work out justice in answering the question thus stated according to the dictates of common sense, than in applying a complicated rule of law, however elaborately it be explained. If, however, a rule can be phrased which will embody the real intent and meaning of this simple question, and will do nothing more, such rule will have the decisive advantage of precision. The effort to find a more definite form in which to leave the issue to the jury, then, is certainly worth while. It is suggested that the solution was reached when the idea of looking at the chain of events from the "after" point of view was conceived. Wardlaw, J., in *Harrison* v. *Berkley*, 1 Strob. 525; Earl, J., in *Ehrgott* v. *Mayor of New York*, 96 N. Y. 280; *Smith* v. *London & Southwestern Ry. Co.*, 6 Com. Pl. 14. If it appear that in fact nothing which could be an efficient cause has intervened between the act complained of and the ensuing harm, the causal connection between the two would seem to be sufficiently established. In such a case, the fact that the result was one not reasonably to have been foreseen, or not found likely to occur on calculation of chances, would certainly not make the defendant's act any less the cause. The fact that the consequence was probable is important in that such probability determines, in a measure, the character of the defendant's act. That is, the occurrence of an injury which was or should have been foreseen would appear to be a natural and proximate result, even though circumstances intervened which would break the causal connection had the result not been contemplated. (Lord Wensleydale in *Lynch* v. *Knight*, 9 H. L. Cas. 577.) The Supreme Court of Canada in laying down the natural and proximate rule adopted the proper definite form of leaving with the jury the question, Did the defendant do this wrong?

CONSTITUTIONALITY OF BI-PARTISAN POLICE COMMISSION LAW. — A few months ago the legislature of New York passed a statute providing for the appointment of four police commissioners by the Common Council of Albany. It was stipulated that no person should be eligible for the office who was not a member of one of the two leading political parties in the Common Council, and that not more than two of the commissioners should be elected from either party. The opponents of the statute were not slow to assert that the State legislature had no power to prescribe any such qualifications for municipal officers; that the statute was an unwarrantable interference with the right of local self-government; and that, even apart from this, the statute was unconstitutional as arbitrarily rendering ineligible for the office the class of citizens who belong to neither of the leading political parties. The Court of Appeals, in *Rathbone* v. *Wirth*, 45 N. E. Rep. 15, has recently sustained these contentions. The opinion of Gray, J., embodies a valiant defence of the right of municipal home rule against the slightest encroachments. The learned judge speaks of the question as one "of surpassing importance to the citizens of the State," and deals with it throughout in a very statesmanlike manner. He maintains that under the article of the State constitution which provides that municipal officers shall be elected by the inhabitants of the municipality, or

by such local authorities as the legislature shall name, the legislature cannot, by designating the class out of which the officers shall be chosen, interfere with the freedom of choice which it was clearly intended that the local electors should exercise.

One may well hesitate before dissenting absolutely from this opinion. But it should be observed that there is something to be said in favor of the opposite view. It will of course be granted that the legislature cannot appoint municipal officers. (See the leading case of *People* v. *Hurlbut*, 24 Mich. 44.) Nor can it, by arbitrarily limiting the field of candidates, attain practically the same result. It has been laid down, to be sure, in general terms, that the legislature can prescribe the qualifications of city, town, or village officers. (*State* v. *Von Baumbach*, 12 Wis. 310.) But this must be taken in a limited sense. While the legislature cannot, for example, forbid the election to a municipal office of a Republican negro as such (Tuck, J., in *Mayor of Baltimore* v. *State*, 15 Md. 376, 468), it would seem that it can prescribe the mental qualifications which the candidate must possess, as well as other qualities reasonably essential to fitness. (See, for instance, the statute under discussion in *People* v. *Warden of City Prison*, 144 N. Y. 529.) It is clearly a question of degree. The legislature can create a new municipal office, and it hardly seems beyond the scope of its power to establish such reasonable qualifications for candidates as shall be essential to the attainment of the end for which the office was created. In the case of the Albany Police Commissioners, may it not have been a reasonable requirement, considering the nature of the office, that the two leading political parties should be equally represented on the board? If so, it may fairly be argued that there is no such manifest conflict between the law in question and the constitutional provision for local self-government as to warrant holding the former a nullity.

It is on the other point, however, that O'Brien, J., in his concurring opinion, lays most stress, namely, that the law disqualifies for the office all who are not members of one of the two leading political parties, and is unconstitutional for that reason. This view finds support in the cases of *Attorney-General* v. *Board of Councilmen of the City of Detroit*, 58 Mich. 213, and *City of Evansville* v. *State*, 118 Ind. 426. Here too it may be urged that it is only a question of degree. The legislature might disqualify illiterate or dishonest persons from holding the office of mayor of a city on the ground that the nature of the office demanded it. May it not be said that in these days, when the proportion of citizens belonging to one of the two large political parties is so very great, it is reasonably necessary to leave other parties out of consideration in establishing a non-partisan board of only four officers?

RECENT CASES.

AGENCY — AUTHORITY COUPLED WITH AN INTEREST. — P. promoted a company for the purpose of purchasing from him and working a mining property. C. signed an underwriting letter addressed to P., by which he agreed, in consideration of a commission, to subscribe for a specified number of shares in the company, and by which he authorized P. to apply for the shares on behalf of C., and the company to allot them. He further agreed that this application should be irrevocable. P. by letter accepted these terms. Later C. wrote to P. and to the secretary of the company repudiating